

REGULAR MEETING OF THE BOARD OF COMMISSIONERS
CITY OF FRANKFORT, KENTUCKY

SEPTEMBER 15, 2003
5:00 P.M. (EST)

PRESENT: Commissioner Lynn Bowers
Commissioner Tracey Turner Thurman
Commissioner Andrew S. Layson
Commissioner Robert Roach
Mayor William I. May, Jr. (5)
ABSENT: None (0)

Invocation by Reverend Jana Hall, First Presbyterian Church.

Following roll call, Mayor May declared the Public Hearings open for comments on the Proposed 2003 Tax Rate and 2003 Local Law Enforcement Block Grant Program. There being no comments, the public hearing was closed.

It was moved by Commissioner Bowers, seconded by Commissioner Thurman, that the reading of the minutes of August 18, 2003 Regular Meeting and September 8, 2003 Special Meeting be dispensed with and approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Mayor's Report:

- \$ Mayor met with Ann Maenza and Pete Walsh reference YMCA proposal for family activity center;
- \$ Thanked Buffalo Trace Distillery for its \$75,000 contribution to local organizations in the community;
- \$ Thanked Dan Shouse and members of Fire Department for ceremony held in tribute to September 11, 2001 events;
- \$ September 19 is "Panther Pride Day" for Frankfort High School;
- \$ World Peace Day program will be September 21 at Episcopal Church;
- \$ Folklife Festival will be held September 25-27;
- \$ Month of September is Prostrate Cancer Awareness Month;
- \$ Month of October will be Breast Cancer Awareness Month.

Ordinances:

Item 3.1 "AN ORDINANCE AMENDING FRANKFORT/FRANKLIN COUNTY ZONING DISTRICT REGULATIONS, ARTICLE 3, SECTION 3.01 DEFINITIONS AND ARTICLE 4, SECTION 4.05 TABLE OF PERMITTED USES AND SECTION 4.06 NOTED SPECIAL CONDITIONS" was presented and read. This ordinance had its first reading August 18, 2003. It was moved by Commissioner Roach, seconded by Commissioner Bowers, that this ordinance be put upon its final adoption. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Ordinance No. 17, 2003 Series)

Item 3.2 "AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2004 ON ALL MOTOR VEHICLES AND LEVYING SAID TAX FOR ALL CITY PURPOSES" was presented and read. This ordinance had its first reading August 18, 2003. It was moved by Commissioner Bowers, seconded by Commissioner Layson, that this ordinance be put upon its final adoption. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Ordinance No. 18, 2003 Series)

Item 3.3 "AN ORDINANCE AMENDING FRANKFORT MUNICIPAL CODE CHAPTER 15.24, ORDINANCE NO. 14, 1999 SERIES, AND ORDINANCE NO. 24, 2001 SERIES, PROPERTY MAINTENANCE CODE" was presented and read. This ordinance had its first reading August 18, 2003. It was moved by Commissioner Thurman, seconded by Commissioner Bowers, that this ordinance be put upon its final adoption. The question was put upon the motion and the roll called. Those voting in favor of the motion were

Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Ordinance No. 19, 2003 Series)

Item 3.4 "AN ORDINANCE AMENDING ORDINANCE NO. 8, 2003 SERIES, AND FRANKFORT MUNICIPAL CODE SECTION 2.93.050 BI-WEEKLY RATES (SALARY ORDINANCE)" was presented and read. This ordinance had its first reading August 18, 2003. It was moved by Commissioner Thurman, seconded by Commissioner Roach, that this ordinance be put upon its final adoption. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Thurman, Layson, Roach and Mayor May (4). Voting against the motion was Commissioner Bowers (1). The motion was thereupon adopted. (Ordinance No. 20, 2003 Series)

Item 3.5 "AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR OF 2003 ON ALL TANGIBLE PROPERTY SUBJECT TO TAX, TRUST AND INSURANCE COMPANIES, PUBLIC SERVICE COMPANIES AND LEVYING SAID TAX FOR ALL CITY PURPOSES" was presented and read.

Item 3.6 "AN ORDINANCE AMENDING ORDINANCE NO. 34, 2000 SERIES, AND FRANKFORT MUNICIPAL CODE SECTION 5.12.100 TO PERMIT THE SALE OF MALT BEVERAGES BY CERTAIN PRIVATE CLUBS ON SUNDAYS" was presented and read. Citizen comments: Anne Gibbs asked if the ordinance is discriminating to other private clubs not meeting requirements and restaurants. Speaking in support of ordinance were Steve Bolton on behalf of VFW, Carlos Pugh and Annie Lee Galbraith. Irvine Gershman spoke in support of distilled spirits.

Orders:

Item 4.1 "AN ORDER AUTHORIZING THE APPOINTMENT OF AN ADVISORY BOARD FOR THE PURPOSE OF REVIEWING LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) APPLICATIONS" was presented. It was moved by Commissioner Thurman, seconded by Commissioner Roach, that the order be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted. (Order No. 11, 2003 Series)

Consent Calendar:

The following miscellaneous and personnel items were presented:

- 6.1 Bid award for Concession Building at Capitol View Park to Meyer Midwest, sole bidder, in amount of \$34,800, with funding from Capitol View Park Phase IV (Parks and Recreation);
- 6.2 Bid award for one 2004 Ford Pickup, F250 four-wheel drive with trailer tow package and crew cab option, from Man-O-War Ford, Lexington, KY, under State Contract Master Agreement No. C-01012846, in the amount of \$22,894, with funding from Equipment Account 100.80.56550 (Parks and Recreation);
- 6.3 Authorization to file grant application with Kentucky Department for Local Government for Land & Water Conservation Funds, in amount of \$50,000, (\$25,000 Land & Water Conservation Funds and \$25,000 City Match) to provide for construction of restroom facilities, water fountain, and to bury overhead wires at Cove Spring Park (Parks and Recreation);
- 6.4 Authorization to extend sanitary sewer system to make service available to The Greens at Duckers off of U.S. 421 and authorize Mayor to execute contract between the City of Frankfort and Jerry Ragland, Developer (Sewer Department);
- 6.5 Authorization for Mayor to execute Joint Funding Agreement with U.S. Geological Survey for operation and maintenance of Kentucky River Lock 4 Gaging Station for period of October 1, 2003 through September 30, 2004, with annual city cost of \$2,580.00 with funding from Account 200.68.53295 (Sewer Department);
- 6.6 Authorization to declare one Jacobson Triplex Mower, CVP 03020, Serial No. 1189, and one Jacobson HF15 Mower as surplus to be disposed of through trade in toward purchase of one 1-year old John Deere Rotary Mower from Xenia Power Equipment, Nicholasville, KY, in the amount of \$26,900, less trade-in value of \$9,000 for the two mowers, final purchase price of \$17,900, with funding from Account 100.80.56550 (Parks and Recreation);
- 6.7 Authorization to pay Tamplin & Company for appraisal services at Frankfort Research and Office Park in the amount of \$3,500, with funding from Reserve for Contingency Account 100.95.53295 (Finance Department);
- 6.8 Personnel

- \$ Promotion of David Sams from position of Equipment Operator I to position of Sanitation Foreman effective September 16, 2003 (Public Works Department);
- \$ Promotion of Eugene Carr from position of Equipment Operator I to position of Equipment Operator II, Street Division, effective September 16, 2003 (Public Works Department);
- \$ Appointment of Jeffrey J. Hurst to position of Electrician effective September 16, 2003 (Sewer Department);
- \$ Appoint of Gregory A. Miley and Jeffrey S. Perry to position of Collection System Laborer effective September 30, 2003 (Sewer Department);
- \$ Appointment of James B. Satterwhite to position of Pump Maintenance Assistant effective September 30, 2003 (Sewer Department);

It was moved by Commissioner Thurman, seconded by Commissioner Bowers, that all of the above listed miscellaneous and personnel items be approved. All members being present and no objection having been filed with the City Clerk, the motion was thereupon adopted by general consent.

Board Appointments:

Item 7.1 It was moved by Commissioner Roach, seconded by Commissioner Thurman, that Jerry Spaulding, Eric M. Burke, Ed Rose, Harold Hensley, Bennie Maffett, Willie Hensley, Artist Montfort, William Crumbaugh and Richard Crow be appointed to the Holmes Street Task Force. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Item 7.2 Upon recommendation of Mayor May, it was moved by Commissioner Thurman, seconded by Commissioner Bowers, that Joe Johnson be appointed to the Architectural Review Board for a term to expire September 12, 2005, filling the unexpired term of Anne Armstrong who resigned, and that John Downs be appointed to the Architectural Review Board for a term to expire September 12, 2006, replacing Marshall Flynn whose term has expired. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Commissioners Thurman and Roach expressed disappointment in appointments to Electric and Water Plant Board not being on agenda.

Old Business:

Items 8.1 and 8.2 It was moved by Commissioner Roach, seconded by Commissioner Thurman, that Change Order No. 2 for Leonardwood Drive Extension Project with Randle Davies Construction Company, Inc., in the amount of \$178,039.85, raising contract price to \$589,234.39, for stabilizing sub-grade and adjusting final elevations of drainage structures located near Ashwood Place, be approved; and authorization for payment to CSX Transportation, Inc., for Streetscape Phase 2 Project in the amount of \$10,154.72 for flagging protection while boring under railroad tracks. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

New Business:

Item 9.1 It was moved by Commissioner Layson, seconded by Commissioner Thurman, that funds in the amount of \$28,000 be allocated for restoration of river bank near Sullivan Parking Garage, with funding from Capital Improvement Account 100.90.53295. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Thurman, Layson, Roach and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Item 9.2 Public Works Director provided update to Board reference drainage problem on Carey Avenue. Berm will be raised and water will be vacuumed out during warm weather when practical, detention basin will be checked to make sure it was installed properly. Citizens John and Regina Cole were in attendance and showed Board photos of drainage problem.

Citizen Comments:

Earl Jeffries, Holmes Street Neighbors Association, thanked Board for appointing Holmes Street Task Force, Association will help if needed and give support.

Diana Looney reference Open Records/Open Meetings Law, Streetscape Committee meeting announcement did not contain agenda, meeting times are not convenient to public, committee met without quorum, use of proxy voting.

Darryl Hofe, Accordia of Kentucky, provided update on employee enrollment for insurances and recent visit to West Virginia office.

Anne Gibbs, Streetscape Committee member, all City appointees to Committee do not attend meetings, have not received direction from City; Forestry Board members' terms expired in 2002 and 2003.

Commissioner Comments:

City Manager directed to notify all departments to send meeting notices for all City Boards/Committees to City Clerk prior to dissemination. Outline of Open Meetings Law to be provided to each Board/Committee.

City Solicitor directed to draft ordinance for removing board appointees who do not attend meetings.

Commissioner Bowers announced September 18-20 Habitat for Humanity blitz build and thanked Frankfort Kiwanis Club for pantry food drive.

Commissioner Thurman welcomed new Personnel Director John Morrow.

Board Appointments:

Item 7.3 Nominations for appointment to the Merger Committee were submitted as follow:

Commissioner Bowers recommended Gashaw W. Lake, Phillip J. Shepherd and Michael Greer ;

Commissioner Thurman recommended Warner J. Caines, Anthony H. Sholar and Mayor William I. May, Jr.;

Commissioner Layson recommended Louis McClain, Roy A. Pulliam, Jr. and Gregg Riggs; Commissioner

Roach recommended Phyllis Combs Liebman, William H. Bowker and Joyce S. Honaker.

There being no objection, meeting recessed to closed session in accordance with KRS 61.810 (1), (f), to discuss personnel upon motion by Commissioner Roach, seconded by Commissioner Bowers. (Meeting reconvened at 8:46 p.m.)

Mayor May recommended Steve Clark from Crestwood Neighborhood Association be appointed to the Merger Commission, with his two remaining nominees having been recommended by other Board Members. Remaining nominees to be submitted and vote taken on all Board nominations in Special Meeting on September 19, 2003 at 12:00 p.m. (noon).

Following no objection, meeting adjourned upon motion by Commissioner Roach, seconded by Commissioner Bowers.

MAYOR

ATTEST:

CITY CLERK